

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
SKYPORT GLOBAL	§	CASE NO. 08-36737-H4-11
COMMUNICATIONS, INC.,	§	(Chapter 11)
Debtor	§	

Joanne Schermerhorn, John K. Waymire, Chet Gutowsky,	§	
John Llewellyn, Joseph A. Lopez, Robert Foote, BLF	§	
Partners, Ltd., ECAL Partners, Ltd, Whiz Kid Ventures,	§	
LLC, Bella Krieger, Martin Pollak, Gloster Holdings,	§	
LLC, Melvyn Reiser, Barry Klein, Yecheskel Kahan, John	§	
A. Rees, Brian W. Harle, MD, Michael Stein, Lawrence	§	
Solomon, Tracy Elstein & David Togut, Jason Charles	§	
Togut Trust, BMT Grantor Trust, Lynn Joyce Elstein	§	
Trust, Charles Stack, Joseph Baker, Movada, Ltd., Puddy,	§	
Ltd., Draco Capital, Inc., Edward Pascal, Robert Mendel,	§	
Stanley Beraznik, Don Dui, Ben Ariano, 3790168 Canada,	§	
Inc., Peter Taylor, John E. Panneton, Wayne C. Fox,	§	
David Currie, Byron Messier, Darshan Khurana, Mateo	§	
Novelli, Diya Al-Sarraj, Sequoia Aggressive Growth	§	
Fund, Ltd., Sequoia Diversified Growth Fund, Ltd.,	§	
Rig III Fund, Ltd., Aran Asset Management SA, Semper	§	
Gestion SA, and Eosphoros Asset Management, Inc.,	§	
Plaintiffs	§	
	§	
vs.	§	ADVERSARY NO. 10-3150
	§	
CenturyTel, Inc. (a/k/a CenturyLink), Clarence	§	
Marshall, R. Stewart Ewing, Jr., Michael E. Maslowski,	§	
Harvey P. Perry, Robert Kubbernus, Balaton Group, Inc.,	§	
Bankton Financial Corporation, Bankton Financial	§	
Corporation, LLC, ClearSky Management, Inc.,	§	
Wilson Vukelich, LLP, and ClearSky Investments, LP,	§	
Defendants	§	

DEFENDANTS' OBJECTION TO PLAINTIFFS' MOTION TO SET HEARING
(Refers to Docket #39)

TO THE HONORABLE JEFF BOHM, UNITED STATES BANKRUPTCY JUDGE:

The above-captioned Defendants¹ hereby object to the Plaintiffs' "*Motion for Setting*" ("Motion") [Docket #39] filed by Plaintiffs, showing unto the Court as follows:

OBJECTION TO MOTION

1. A hearing on Plaintiffs' Motion to Reconsider May 27 would only confuse the issues already set on that day. The factual issues related to the Motion to Reconsider are different from the issues to be addressed as a legal matter on the Motion to Dismiss or for Summary Judgment, Motion to Remand, or Motion to Bifurcate. Likewise, the trial of the Motion to Reconsider would require a different degree of evidence and preparation.

2. Moreover, a hearing on May 27 would require responses and preparation in less than 21 days. This is not sufficient time to prepare an evidentiary record. The Court has not been given sufficient evidence to grant emergency consideration of the motion. All evidence is that the emergency is one of Plaintiffs' own making. It is axiomatic that one cannot seek emergency consideration for an emergency of one's own creation.

3. Defendants attach and incorporate by reference their Response to Plaintiffs' Motion to Reconsider. Defendants ask that the Court consider those arguments in deciding whether it is prudent to hold a hearing on May 27 on the Motion to Reconsider.

¹ Except Wilson Vukelich, LLP, which is a Canadian law firm doing business in Canada, Respondents to Plaintiffs' Motion are CenturyTel, Inc. (a/k/a CenturyLink), Clarence Marshall, R. Stewart Ewing, Jr., Michael E. Maslowski, Harvey P. Perry, Robert Kubbernus, Balaton Group, Inc., Bankton Financial Corporation, Bankton Financial Corporation, LLC, ClearSky Management, Inc. and ClearSky Investments, LP.

WHEREFORE, premises considered, Defendants pray that the Court deny Plaintiffs' Motion to Set Hearing and grant such other and further relief as is just and proper.

DATED: May 18, 2010.

Respectfully submitted,

MCKOOL SMITH P.C.

By: /s/ Hugh M. Ray, III
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**ATTORNEYS FOR ALL DEFENDANTS
(EXCEPT WILSON VUKELICH, LLP)**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the above and foregoing were forwarded on this 18th day of May, 2010, via the ECF system to all parties on the ECF service list and by U.S. first class mail, postage prepaid, to all counsel noted below:

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(Subject to special appearance)

/s/ Hugh M. Ray, III
HUGH M. RAY, III

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MOTION FOR SETTING**